IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC.CIVIL APPLICATION NO.18 OF 2005

Mrs.Reshma Sanjay Kshirsagar ...Applicant

vs.

Sanjay Ramchandra Kshirsagar ...Respondent

Mr.Kiran Kandpile for the Applicant
Mr.Dilip Bodke for the Respondent

CORAM: A.S.OKA,J.
DATE : APRIL 26,2005.

P.C.:

1. Heard the Advocates for the parties. The Applicant is the wife and the Respondent is the husband. The Applicant-wife has filed a Petition under Section 125 of Code of Criminal Procedure Code, 1973 for herself and on behalf of minor daughters against the Respondent. The said Petition is pending in the Court at Judicial Magistrate First Class at Panvel District Raigad . The Respondent-husband has filed a Petition under Section 9 of Hindu Marriage Act,1955 and the said Petition is pending at the Court of the Civil Judge Senior Division, Satara.

2. The Applicant has contended in the Application that she is residing at Panvel along with her minor daughters aged 4 and 2 years and therefore it is not possible for her to attend to the proceedings in the Court at Satara. The Application is opposed by the Respondent by filing Affidavit-in-reply.

3. As the application for maintenance filed by the Applicant is pending at Court at Panvel, the Respondent is required to attend the Court at Panvel. It cannot be in dispute that it

will be convenient for both the parties if the proceedings pending in two different Courts are transferred to one and the same Court.

4. In view of the law laid down by the Apex Court in such matters, convenience of wife is to be seen. Therefore, a case for transfer is made out. The Petition filed by the Respondent will have to be transferred to the Court of Civil Judge Senior Division, Panvel. If the said learned Judge is empowered to exercise the powers of Judicial Magistrate First Class, it will be always open for the parties to apply the learned District Judge, Raigad-Alibag for transferring the Application under Section 125 of the said Code of 1973 to the Court at Civil Judge (S.D.) at Panvel, District Raigad.

5. Hence, I pass the following order :

i) Marriage Petition No.200 of 2004 which is pending in the Court of Civil Judge (S.D.), Satara is transferred to the Court of Civil Judge (S.D.) at Panvel District Raigad.

ii) As observed earlier, after transfer of the said Petition, parties will be free to make application to the learned District Judge, Raigad-Alibag for transferring both the pending matters to one and the same Court.

iii) Parties to act upon an authenticated copy of this order.

JUDGE.